

REQUEST FOR ACTION BY:

TOWN OF CLARENCE, N.Y.

- ☒ Appeal Board
☐ Planning Board
☐ Town Board

- ☒ Appeal
☐ Rezone
☐ Revise Ordinance
☐ Subdivision
☐ Limited Use Permit
☐ Other

Rec'd. by: Jonathan Bleuer

Date December 29, 2014

Action Desired Applicant requests a variance of 23.85' and 25' to allow for a lot split resulting in two lots having frontage of 101.15' and 100'. Applicant requests a variance to allow for a 100' setback for the construction of a single family structure on the newly created parcel which would match the current setback of the existing single family structure located at 8187 Stahley Road within the Residential Single Family Zone.

Reason

Town Code Reference:

§229-50 (A)

§229-52 (3)

PLEASE PRINT

Name James & Kimberly Felber

Address 8187 Stahley Road

East Amherst NY 14051

Town/City 741-2672 **State** **Zip**

Signed SIGNATURE ON FILE

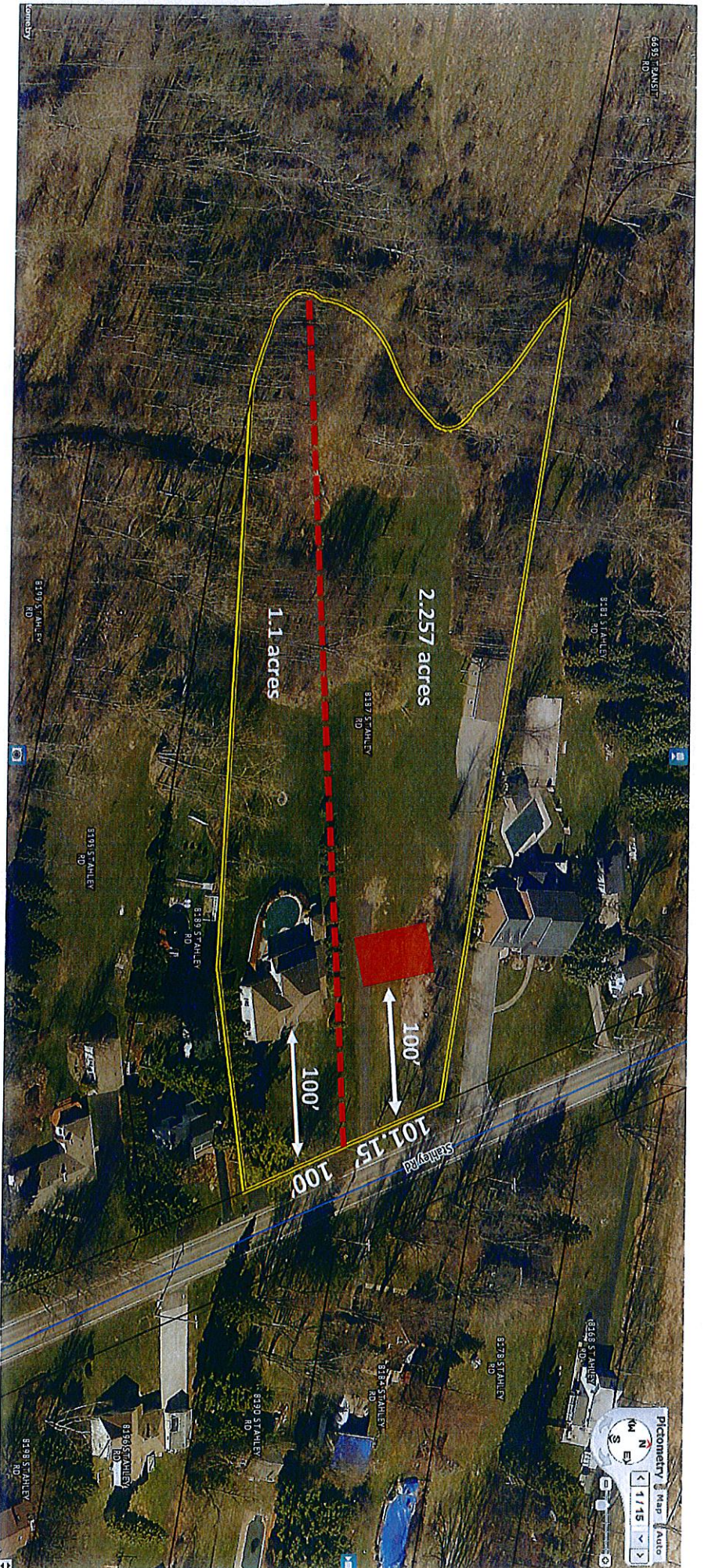
Requests for action on zoning should be filled out completely in above spaces if practicable; otherwise give brief description and refer to attached papers. The complete request with all necessary plans, maps, signatures, should be filed with the Secretary of the Planning Board. Requests (except appeals) may be filed with the Town Clerk or Town Board, but will generally be referred to Planning Board with subsequent loss of time.

Initial Action

Approved ☐
Rejected ☐ by on 19
Approved ☐
Rejected ☐ by on 19
Published (Attach Clipping) on 19
Hearing Held by on 19

Final Action Taken

Approved ☐
Rejected ☐ by on 19
Published (Attach Clipping) on 19
Filed with Town Clerk on 19
Filed with County Clerk on 19



* note the parcel lines displayed are approximate
8187 Stahley Road

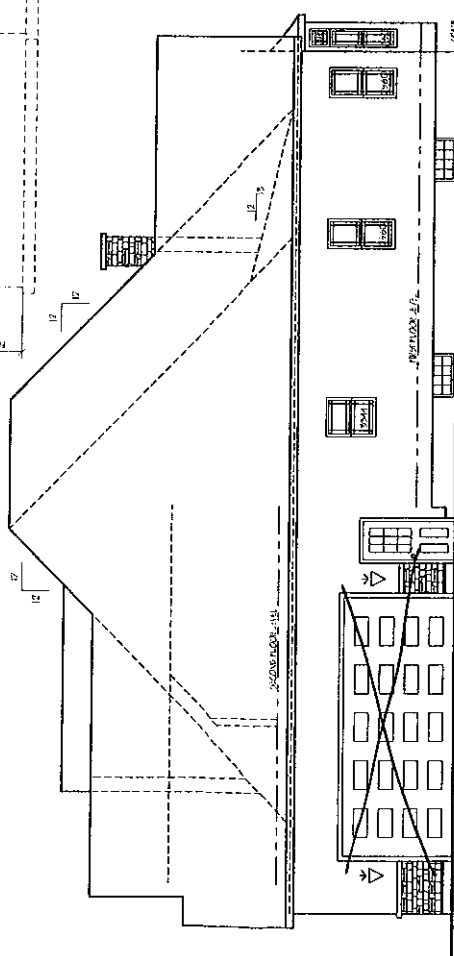
Variance Reasons for 8187 Stahley Road, East Amherst, NY 14051

Owners: James & Kimberly Felber

1. This is our "forever dream home" where we want to live for the rest of our lives with our family.
2. Where the house will actually be built is approximately 140 feet wide and approximately 110 at the actual street because of the irregular lot.
3. The majority of the lots on the street are 100 feet wide, so this will not change the appearance or character of the street
4. The lot is 600 feet deep and approximately 2.25 acres.
5. In 2000 we paid for the engineering and the sewer extension to be installed with the intention of building on this lot.
6. We paid \$1,100 for the new soil test that is required for building.
7. I, Kimberly Felber (Daigler) have lived in Clarence my whole life and on Stahley since I was 9 years old. James has lived on Stahley Road since he was 5 years old. We care very much about our town.

FRONT ELEVATION

front load garage



RIGHT ELEVATION

front garage

14. NUMBER OF SECTIONS	1	SECTION	1	DATE	1/1/19
15. NAME OF THE PARTY	THE NATIONAL ASSOCIATION OF REALTORS				
16. ADDRESS	1111 K STREET, N.W., WASHINGTON, D.C. 20004				
17. PHONE NUMBER	202-462-1234				
18. FAX NUMBER	202-462-1235				
19. E-MAIL ADDRESS	info@nare.com				
20. OTHER INFORMATION	This is a copy of the original document.				

T. Larocast



Joe Martens
Commissioner

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, New York 14203-2915
Phone: (716) 851-7165 **Fax:** (716) 851-7168
Website: www.dec.ny.gov

October 30, 2014

ZONING OFFICE

OCT 31 2014

RECEIVED

Mr. James Callahan
Director of Community Development
Town of Clarence Planning & Zoning Dept.
One Town Place
Clarence, NY 14031

Dear Mr. Callahan:

**SEQR LEAD AGENCY DESIGNATION
THOMPSON BROTHERS WIND TURBINE
8850 CLARENCE CENTER ROAD
TOWN OF CLARENCE, ERIE COUNTY**

In response to your October 24, 2014 letter regarding the above-noted project, please be advised of the following:

1. If project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-10-001, as well as the NOI form, is available on the Department's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the Department's website at www.dec.ny.gov/chemical/8468.html.

The Town of Clarence is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the NOI, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

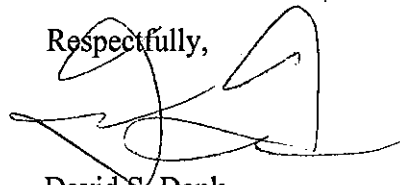
2. The entire site appears to be within an archeologically sensitive area, as shown on the enclosed New York State Office of Parks, Recreation and Historic Preservation (OPRHP) map (Website www.oprhp.state.ny.us/nr/main.asp). As part of the SEQR process, this concern should be evaluated, unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643).

3. This project is located within Erie County Agricultural District #14. A Notice of Intent must be filed with the commissioner of the NYS Department of Agriculture and Markets pursuant to 1 NYCRR Part 371 for any work contemplated within an agricultural district.

We concur that the Town of Clarence should act as SEQR Lead Agency, since the environmental impacts of the proposal are primarily of local significance

Thank you for providing this office the opportunity to review the proposed project. If you have any questions, please feel free to contact Mr. Mark Passuite of my staff or me at 716/851-7165.

Respectfully,



David S. Denk
Regional Permit Administrator

ecc: U.S. Army Corps of Engineers, Buffalo District Office
Mr. Kenneth Thompson, property owner

Date: October 24, 2014

Solicitation for Lead Agency Status

Unlisted Action

Pursuant to Article 8 of the Environmental Conservation Law
and Part 617 of the New York State Environmental Quality Review Act (SEQRA)

To: NYS Dept. of Environmental Conservation
Erie County Department of Environment and Planning
Erie County Department of Public Works
Erie County Health Department
U.S. Army Corps of Engineers—Buffalo Office
New York State Office of Parks Recreation and Historic Preservation
New York State Energy Research and Development Authority
New York State Department of Agriculture and Markets
Clarence Center Volunteer Fire Company Volunteer Fire Company
Federal Aviation Administration

Project Name: Thompson Brothers Wind Turbine

Project Number: TOC101414

Project Location: North side of Clarence Center Road, west of Shimerville Road at 5580
Clarence Center Road, Town of Clarence, Erie County, New York

Project Description:

Action consists of the granting of a 73.5' height variance to allow for the construction of a 133.5' wind turbine to power an on-site greenhouse/nursery agricultural use located in the Residential Single Family Zone and within the Clarence-Newstead Agriculture District.

The Town of Clarence Zoning Board of Appeals has identified this project as an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and Local Town Environmental Quality Review Law (TEQR). The Town of Clarence Zoning Board of Appeals requests Lead Agency status for this project, pursuant to Part 617(d). The reasons for this request are as follows:

- This agency has the broadest governmental powers for investigation into the impacts of the proposed action.

Any involved or interested agency may submit comments in writing within thirty (30) days of the date of this notification. If no objections are expressed, the Town of Clarence will assume lead agency status for this action and will make a determination of its significance.

Enclosed please find a copy of the LEAF, a location map and a site plan of the proposed action.

Written comments may be submitted to:

James Callahan, Director of Community Development
Town of Clarence Planning & Zoning Dept.
One Town Place
Clarence, NY 14031

The thirty (30) day comment period will end on: November 28, 2014

For additional information regarding this project, please contact Mr. James Callahan in the Planning and Zoning Office at (716) 741-8933 or email jcallahan@clarence.ny.us.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Thompson Brothers/ Kenneth Thompson		
Project Location (describe, and attach a general location map): 5580 Clarence Center Road Clarence, NY 14032		
Brief Description of Proposed Action (include purpose or need): The project consists of a 120' 10kW Wind Turbine, total height reaching 133.5' at the blade tip. The turbine will be used to power an on site farm facility. The turbine will be located on Parcel 43.16-1-10.1		
Name of Applicant/Sponsor: Kenneth Thompson		Telephone: 716-741-2240
		E-Mail: Thompsonbros1@aol.com
Address: 8850 Clarence Center Road		
City/PO: Clarence	State: New York	Zip Code: 14032
Project Contact (if not same as sponsor; give name and title/role): Ryan Storke Division Manager/ Contractor with CEC Energy		Telephone: 315-284-9845
		E-Mail: Rstorke@cazequip.com
Address: 2 Remington Park Drive		
City/PO: Cazenovia	State: New York	Zip Code: 13035
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

RECEIVED

OCT 22 2014

ZONING OFFICE

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants; loans; tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town Zoning Board- Full EAF, Part 1 Area Variance for overall height	October 21, 2014
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDRDA	July 28, 2014
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ITC (Incentive Tax Credit)	Not yet complete
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s):	
NYS Heritage Areas: West Erie Canal Corridor	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
or an adopted municipal farmland protection plan?	
If Yes, identify the plan(s):	

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Residential Single Family

- b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

- c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

- i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

- a. In what school district is the project site located? Clarence Central School District

- b. What police or other public protection forces serve the project site?
Erie County

- c. Which fire protection and emergency medical services serve the project site?
Clarence Center Fire Company

- d. What parks serve the project site?
None

D. Project Details**D.1. Proposed and Potential Development**

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? To erect a residential/ agricultural wind turbine of 120' at 8850 Clarence Center Road.

- b. a. Total acreage of the site of the proposed action? 20 acres

- b. Total acreage to be physically disturbed? 1 acres

- c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 20 acres

- c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

- i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

- d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

- i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

- ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

- iii. Number of lots proposed? _____

- iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

- e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No

- i. If No, anticipated period of construction: 3 months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase I (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures <u>1</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>133.5</u> height; <u>10'</u> width; and <u>10'</u> length	
iii. Approximate extent of building space to be heated or cooled: _____ 0 square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? <u>To fill with concrete and rebar to create a substantial foundation</u>	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): <u>35-40 Cu. Yards</u>	
• Over what duration of time? <u>1 Day</u>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	
<u>Excavating Soil, depending on the customers wishes we may move it to another place on the property or our sub-contractor Patriot Towers disposes</u>	
of it.	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ 35-40 cu yards acres	
vi. What is the maximum area to be worked at any one time? _____ 1 acres	
vii. What would be the maximum depth of excavation or dredging? _____ 6 feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☒ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☒ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> Do existing sewer lines serve the project site? Will line extension within an existing district be necessary to serve the project? <p>If Yes:</p> <ul style="list-style-type: none"> Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <ul style="list-style-type: none"> Applicant/sponsor for new district: _____ Date application submitted or anticipated: _____ What is the receiving water for the wastewater discharge? _____ 	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ <ul style="list-style-type: none"> If to surface waters, identify receiving water bodies or wetlands: _____ Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No 	
iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ 	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> _____ Tons/year (short tons) of Carbon Dioxide (CO₂) _____ Tons/year (short tons) of Nitrous Oxide (N₂O) _____ Tons/year (short tons) of Perfluorocarbons (PFCs) _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes: <ul style="list-style-type: none"> i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____ 			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____ _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes: <ul style="list-style-type: none"> i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____ ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ _____ 			
vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No			
vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No			
viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes: <ul style="list-style-type: none"> i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No 			
l. Hours of operation. Answer all items which apply. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: _____ 8-6pm • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: _____ 24/7 • Saturday: _____ 24/7 • Sunday: _____ 24/7 • Holidays: _____ 24/7 </td> </tr> </table>		i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: _____ 8-6pm • Saturday: _____ • Sunday: _____ • Holidays: _____ 	ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: _____ 24/7 • Saturday: _____ 24/7 • Sunday: _____ 24/7 • Holidays: _____ 24/7
i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: _____ 8-6pm • Saturday: _____ • Sunday: _____ • Holidays: _____ 	ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: _____ 24/7 • Saturday: _____ 24/7 • Sunday: _____ 24/7 • Holidays: _____ 24/7 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration: <u>The wind turbine will produce an overall increase of an averaged 5dba to ambient air noise. Please refer to documents already provided for additional information</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing: _____

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

The turbine will be placed in a agricultural marked district which resides in the middle of a residential zoned area

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	About 6	About 6	0
• Forested	About 5	About 5	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	-	-	-
• Agricultural (includes active orchards, field, greenhouse etc.)	About 15	About 15	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	-	-	-
• Wetlands (freshwater or tidal)	-	-	-
• Non-vegetated (bare rock, earth or fill)	-	-	-
• Other Describe: _____			

<p>c. Is the project site presently used by members of the community for public recreation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: explain: _____</p>	
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div style="width: 50%;"> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p> <p>_____</p>	

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ 0 feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <u>N/A</u> _____ %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: <u>N/A</u> feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site	
<input type="checkbox"/> Moderately Well Drained: _____ % of site	
<input type="checkbox"/> Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: _____ % of site	
<input type="checkbox"/> 10-15%: _____ % of site	
<input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____	Classification _____
• Lakes or Ponds: Name _____	Classification _____
• Wetlands: Name <u>Federal PFO1/ SS1B</u>	Approximate Size <u>7 acres</u>
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
j. Is the project site in the 100 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Is the project site in the 500 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Name of aquifer: _____	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>_____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: <u>Clarence Newstead #14</u></p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site: _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

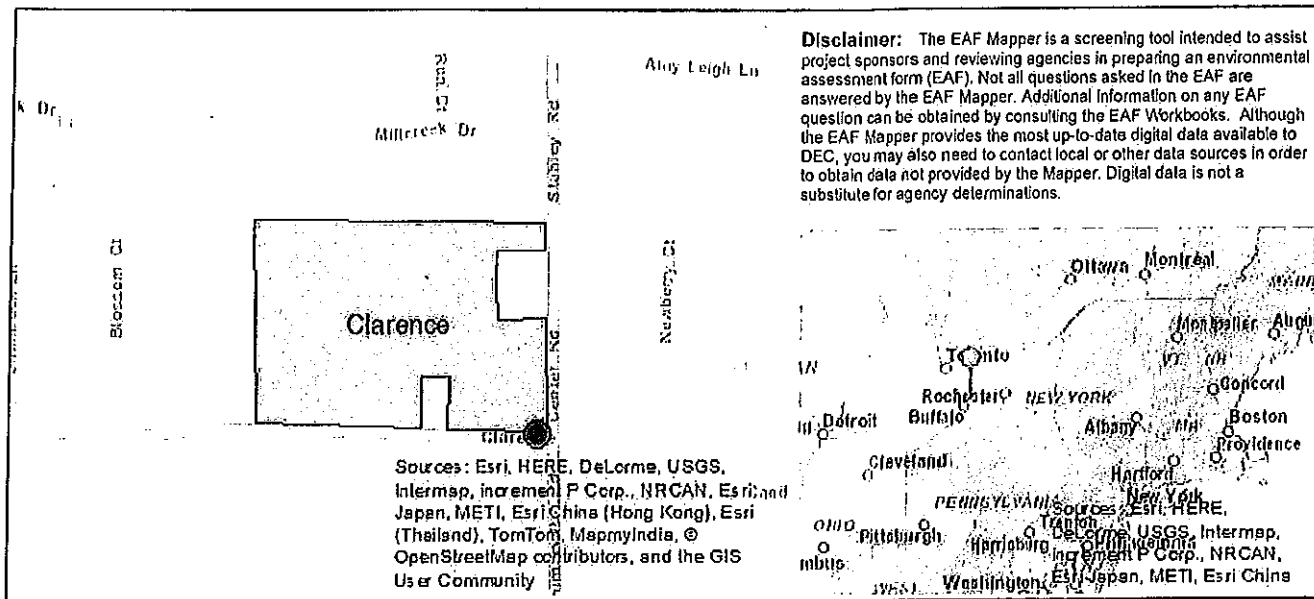
Applicant/Sponsor Name Ryan Stork Date October 21, 2014

Signature  Title Division Manager/ Contractor for CEC Energy

PRINT FORM

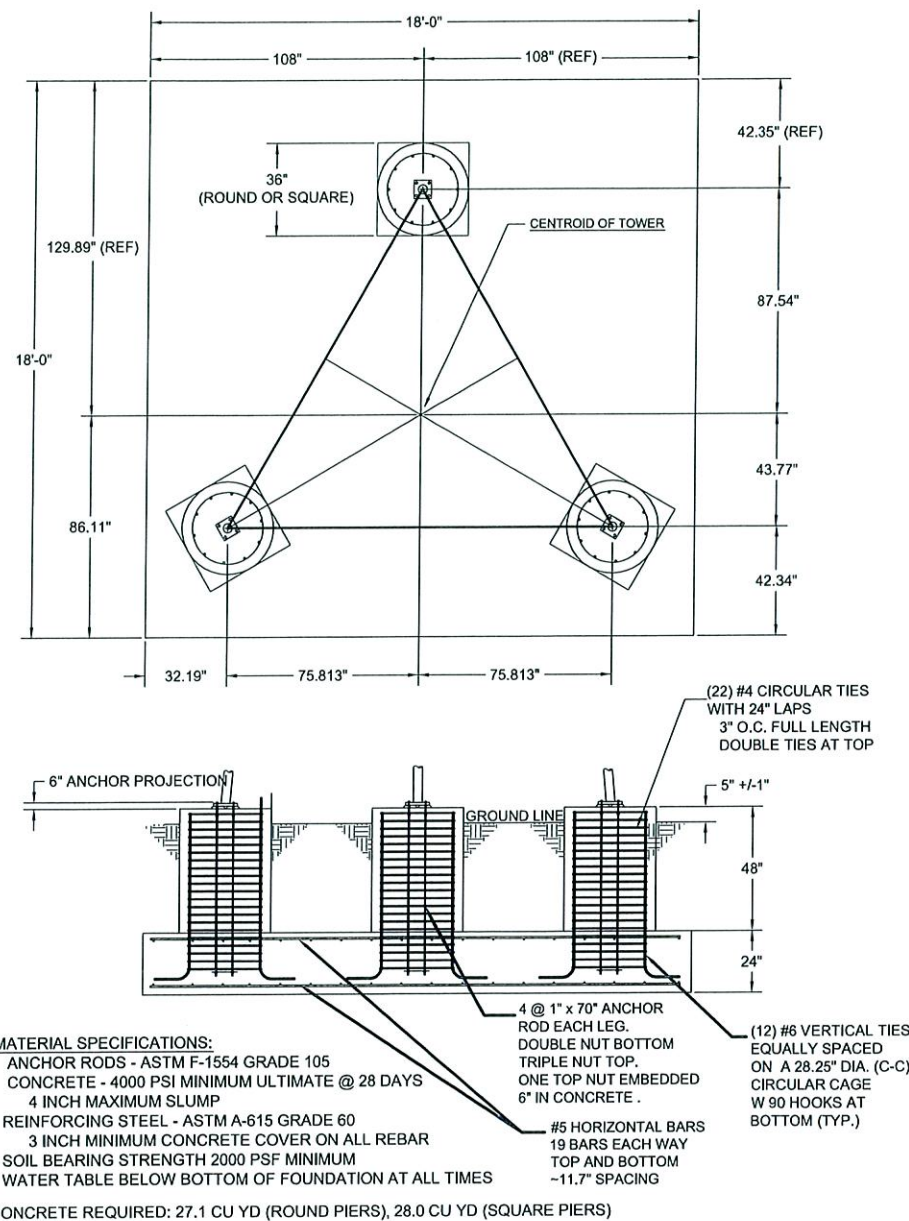
EAF Mapper Summary Report

Tuesday, October 21, 2014 10:57 AM



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

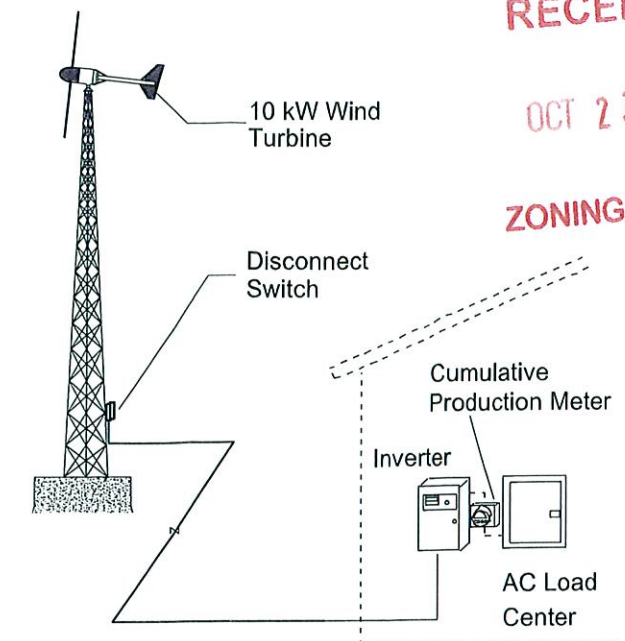
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



1. Concrete 4000 psi minimum ultimate strength
2. Reinforcing bars ASTM A615 Grade 60 deformed
3. Minimum concrete cover on all reinforcing bar is 2" pier top, 3" all other locations.
4. Compact fill in 8-10" lifts to 95% Proctor density
5. Water table below concrete at all times
6. Minimum allowed soil bearing load 2000 psf.

2-Pole, 240V, 60A breakers,
dedicated

1. IBC-2012 and NYBC-2010 compliant
2. Design ultimate wind speed 120 mph (3-second)
3. Design exposure category "C"
4. Rotor thrust 2400 lb.
5. Turbine weight 1150 lb.
6. Ice accumulation 0.75 inch radial
7. Maximum frost depth 60 inches

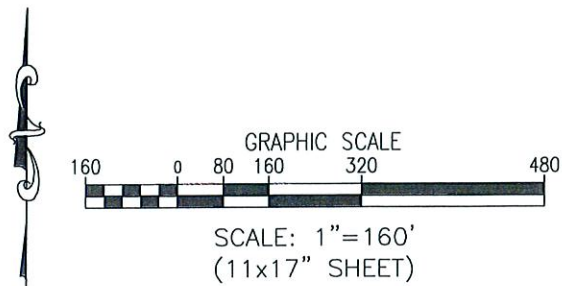


1. Tower Legs: ASTM A618 Grade 3
Minimum yield strength 50,000 psi
2. Tower Flanges: ASTM A572 Grade 50
Minimum yield strength 50,000 psi
3. Tower Lattice: ASTM A36
Minimum yield strength 36,000 psi
4. Tower Bolts: ASTM A325 Construction Grade
Minimum yield stress 92,000 psi
Minimum tensile strength 120,000 psi
5. Anchor rods: ASTM F1554 Grade 105
Minimum yield stress 105,000 psi
Minimum tensile strength 125,000 psi

BERGEY WINDPOWER	
DRAWN K.G.C. 05-19-2014	TITLE
CHECKED	SUMMARY SHEET
APPROVED	10 kW ON SSV-120 TOWER
SCALE	DWG NO.
NONE	519142-SSV-120

ZONING OFFICE

FILE NAME: H:\Projects\140052-CEC-Wind_2014\Eng\CAD\02-THOMPSON\CUT\C-1 Site Plan THOMPSON.dwg
DATE/TIME: 10/23/2014 11:39:28 AM
USER: Don Yonosh



LEGEND	
	ROAD CENTERLINE
	RIGHT-OF-WAY LINE
	PARCEL LINE
	VILLAGE BOUNDARY LINE
	EXISTING BUILDING
	ELECTRIC CONDUIT
	EXISTING OVERHEAD UTILITY LINES

- NOTES:
- THIS MAP WAS CREATED USING AERIAL IMAGES AND TAX MAP DATA, NOT AN ACTUAL FIELD SURVEY. LOCATIONS OF PROPERTY LINES, ROADS, STRUCTURES, ETC. ARE APPROXIMATE.
 - LOCATION OF PROPOSED FACILITY (EXCLUDING PROPOSED TURBINE) ARE APPROXIMATE AND BASED ON SKETCH PROVIDED BY OWNER.

SITE DATA
TAX MAP NO. 43.16.1-10.11
LOT SIZE: 18.9± ACRES
OCT 23 2014
ZONING

PROJECT CEC ENERGY THOMPSON BROTHERS 8850 CLARENCE CENTER RD CLARENCE CENTER, NY 14032		DRAWING NO. C-1 SHEET 1 OF 1	
FISHER ASSOCIATES 135 Clarendon Road, Rochester NY 14623 Phone: 585-384-1710 WWW.FISHERASSOCIATES.COM		TITLE OF DRAWING SITE PLAN	
FA PROJECT NO. 140052-02 PROJECT MANAGER D. YANOSH DRAWN BY D. PEARL SCALE AS SHOWN		ISSUE DATE 10-23-2014	
COPYRIGHT © 2014 FISHER ASSOCIATES, P.E. & S.A. P.C. New York State Education Law Section 1405(4) requires that all drawings and specifications for any project prepared by a professional engineer or professional architect be signed by the professional engineer or professional architect and filed with the State Education Department. This law applies to all drawings and specifications prepared by a professional engineer or professional architect for any project prepared by a professional engineer or professional architect. The professional engineer or professional architect is responsible for the accuracy and completeness of the drawings and specifications. The professional engineer or professional architect is not responsible for the accuracy and completeness of the drawings and specifications prepared by others. The professional engineer or professional architect is not responsible for the accuracy and completeness of the drawings and specifications prepared by others.		REV	
		DESCRIPTION	DATE
		BY	



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS
Division of Land and Water Resources
10B Airline Drive, Albany, New York 12235
Tel: 518-457-3738 Fax: 518-457-3412
www.agriculture.ny.gov

October 24, 2014

RECEIVED

OCT 27 2014

Hon. David C. Hartzell, Jr, Supervisor
Town of Clarence
1 Town Place
Clarence, NY 14031

ZONING OFFICE

Daniel Michnik, Chair
Town of Clarence Zoning Board of Appeals
1 Town Place
Clarence, NY 14031

Re: AML §305-a, subd. 1 Review Concerning Height Limitations for the Construction and Operation of a Small Wind Energy Production Facility on Thompson Brothers greenhouse operation, Erie County Agricultural District No. 14

Dear Supervisor Aubertine:

The Department received a request from Kenneth Thompson and Dawn Trippie, owners of Thompson Brothers Greenhouses, to review the Town of Clarence's Satellite Antennas and Towers Law for compliance with §305-a of the Agriculture and Markets Law (AML). A request for review was received by the Department on October 15, 2014.

The Thompson Brothers state that their farm operation consists of 17 greenhouses with two acres under cover. They produce horticultural crops 365 days a year, with their principal crop being spring annuals and perennials as well as shrubs. They also produce mums and poinsettias, make wreaths and sell Christmas trees. There is also a small apple orchard on the property. According to Department records, the land which is subject to review is located within Erie County Agricultural District No. 14.

From information received, it appears that the Thompson Brothers submitted a request to the Town's Zoning Board of Appeals for a variance on August 12, 2014 to install a 140 foot tower for a Bergey Excell 10kW turbine. The ZBA denied the Thompson Brothers' variance request. On October 14, 2014 the Thompson Brothers submitted a revised variance request to install a 133.5 foot free-standing lattice tower on their property as a compromise. The ZBA tabled their request and asked Thompson Brothers to submit a full Environmental Assessment Review and a visual impact study.

In prior reviews concerning the construction of wind turbines for the generation of electricity for a farm's exclusive use, the Department found that requiring a Full Environmental Assessment Form (EAF) and visual impact assessments can be expensive and can cause delays

Hon. David C. Hartzell, Jr, Supervisor
Daniel Michnik, ZBA Chair
Town of Clarence
2 | Page

in the installation of the wind energy equipment. Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with "generally accepted principles of farming" are designated as Type II actions which do not require preparation of an Environmental Assessment Form (EAF) and are not subject to compliance with State Environmental Quality Review (SEQR). 6 NYCRR §617.5(a), (c)(3). [See *In the Matter of Pure Air and Water Inc. of Chemung County v. Davidsen*, 246 A.D.2d 786, 668 N.Y.S.2d 248 (3rd Dept. 1998), for application of the exemption to the manure management activities of a hog farm.] The SEQR regulations require localities to recognize the Type II actions contained in the statewide list. Construction of wind turbines that are used to supply all or a portion of a farm's energy needs is, therefore, considered a Type II action under SEQRA.

The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products which is set forth as a policy of the State in the New York State Constitution, Article XIV, Section 4. Pursuant to AML §305-a, subdivision 1, one of the statutes which implements the State constitutional policy, local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district unless it can be shown that the public health or safety is threatened. AML §301, subd. 11 defines "farm operation" as "...the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' as defined in subdivision thirteen of this section, a 'timber operation' as defined in subdivision fourteen of this section and 'compost, mulch or other biomass crops' as defined in subdivision sixteen of this section and a commercial equine operation as defined in subdivision seventeen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other." Furthermore, AML §301(2)(d) defines horticultural specialties to include, but is not limited to, nursery stock, ornamental shrubs, ornamental trees and flowers. The Department considers greenhouse operations to be a "farm operation" under the AML.

In general, the construction of on-farm buildings and the use of land for agricultural purposes within a county adopted, State certified agricultural district should not be subject to site plan review, special use permits or non-conforming use requirements. The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products as recognized by the New York State Constitution, Article XIV, Section 4. Therefore, generally, agricultural uses and the construction of on-farm buildings as part of a farm operation located within an agricultural district should be allowed uses.

The Department performs AML §305-a reviews on a case-by-case basis, taking into account the specific facts of a situation. Department staff initially determine whether the land involved is located within a State certified, county adopted agricultural district and if the land use and activity constitute a "farm operation" as defined by AML §301, subd.11. In determining whether the operation constitutes a "commercial enterprise," the Department evaluates such factors as the acreage in production; capital investment; gross sales of crops, livestock and

Hon. David C. Hartzell, Jr, Supervisor
Daniel Michnik, ZBA Chair
Town of Clarence
3 | Page

livestock products; the type of enterprise and number of years in operation. In examining whether a local law is unreasonably restrictive, the Department considers several factors, including, but not limited to: the cost of compliance for the farm operation affected; whether the requirements will cause a lengthy delay in the construction of a farm building or implementation of a practice; whether the requirements adversely affect the farm operator's ability to manage the farm operation effectively and efficiently; whether the requirements restrict production options which could affect the economic viability of the farm; and the availability of less onerous means to achieve the locality's objective. The Department also considers whether a State law, regulation or standard applies to the activity regulated by the locality and, if it does, how.

Whenever a local law is found to be unreasonably restrictive, the Department evaluates whether it can be shown that the public health or safety is threatened by the farm operation or activity which the Town seeks to regulate. Prior to making a decision as to whether a local law unreasonably restricts a farm operation within an agricultural district, the Department considers all pertinent information submitted by the affected farm operator, and the provisions of the local law involved. Any facts or circumstances that the locality may wish to bring to the Department's attention regarding the issue presented are also taken into account. The Town is encouraged to submit, within 30 days of receipt of this letter, any information or documentation which it would like the Department to consider. Once the review is completed, the Department will inform the Town of its determination and, if it is concluded that an unreasonable restriction exists, the Town will have an opportunity to submit any evidence it may have of a threat to the public health or safety. Thereafter, the Department will determine whether the local law and its administration are in compliance with §305-a, subd.1.

I have enclosed a copy of the Department's Small Wind Energy Production Facilities and Solar Devices Guideline and Guidelines for Review of Local Laws Affecting Temporary Greenhouses for your review. If you have any questions, or would like to discuss the review process, please contact me at (518) 457-8887. If the Town's attorney has any questions, he or she may contact Danielle Cordier, Senior Attorney, at (518) 457-2449.

Sincerely,



Michael Latham
Director

Enclosures

cc: Kenneth Thompson and Dawn Trippie, Landowner
Brett Kreher, Chair, Erie County AFPB
Danielle Cordier, Esq., Counsel's Office, Dept. of A&M

Guidelines for Review of Local Laws Affecting Small Wind Energy Production Facilities and Solar Devices

OCT 27 2014

As energy costs increase and financial assistance becomes more available, an increasing number of farm operators are considering the installation of small wind energy production facilities and solar devices to help offset on-farm production costs. In prior AML §305-a reviews, the Department has considered wind turbines used to supply a portion of a farm's electrical needs (not exceeding 110% of the farm's anticipated demand) to be on-farm equipment. The Department also considers solar devices that do not exceed 110% of the farm's anticipated electrical needs to be on-farm equipment. If the farm is eligible for remote net metering, multiple meters may be combined to determine the electrical needs of the on-farm equipment. The turbine or solar device must be part of a "farm operation" which otherwise meets the AML §301(11) definition of that term.

Regulations Affecting Small Wind and Solar Energy Production

Some local laws currently require building permits, site plan review and/or special use permits for small wind energy production facilities and solar devices. If a town considers a small wind turbine or solar device to be a structure or building under its zoning regulations, the Department also considers the wind turbine or solar device to be an on-farm building. In general, the construction of on-farm buildings and the use of land for agricultural purposes within a county adopted, State certified agricultural district should not be subject to site plan review, special use permits or non-conforming use requirements. The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products as recognized by the New York State Constitution, Article XIV, Section 4. Therefore, generally, agricultural uses and the construction of on-farm buildings as part of a farm operation located within an agricultural district should be allowed uses.

Some current and proposed local laws have included provisions that require a farm operator to complete a Long Environmental Assessment Form (EAF) and visual impact assessments. Such requirements can be expensive and can cause delays in the installation of the wind energy equipment or solar device. Other provisions of local laws that could be considered unreasonably restrictive include height restrictions and excessive setbacks from buildings and property lines.

Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with "generally accepted principles of farming" are designated as Type II actions which do not require preparation of an Environmental Assessment Form (EAF) and are not subject to compliance with State Environmental Quality Review (SEQR). 6 NYCRR §617.5(a), (c)(3). [See *In the Matter of Pure Air and Water*

parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.

5. A legible electrical diagram using unique line characteristics and standard symbols to clearly describe the wind energy system or solar device as it will be installed. The diagram must show all major system components from the wind turbine or the solar device to the utility meter.

Numbers 6-9 only apply to wind energy production facilities*:

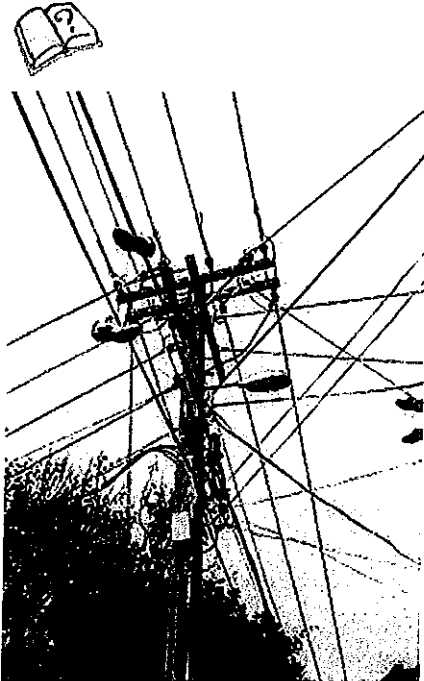
6. List safety measures to prevent unauthorized climbing on the tower.
7. Prescribe requirements for automatic braking, governing, or feathering system to prevent uncontrolled rotation of the rotor blades and turbine components.
8. Include a requirement that the wind tower be setback 1.1 times the combined height of the tower and blades from property lines and power lines.
 - A farm may apply for an exemption with written permission from the neighbor and an indication from the neighbor that the use of land in the vicinity is consistent with the proposed wind energy system. There is no exemption for power lines.
9. Include a requirement that the minimum setback distance between the tower base and any human-occupied building is five times the rotor diameter.
 - A farm may apply in writing for an exemption from this minimum distance requirement for buildings they own; however, the farm must demonstrate that the possible problems of locating the wind energy system less than the required distance from the building have been addressed.

* The suggested provisions related to the safe operation of wind turbines is not intended to be an exhaustive list of the measures which may be desirable or necessary. Municipalities should consult with appropriate professionals to determine whether any additional or different measures should be required for small wind energy production facilities.

Utility pole

From Wikipedia, the free encyclopedia

Jump to: [navigation](#), [search](#)



RECEIVED

NOV 13 2014

ZONING OFFICE

Utility pole supporting wires for electrical power distribution, coaxial cable for Cable TV, and telephone cable. Two pairs of shoes can be seen hanging from the wires (center-left, far right).

A **utility pole** is a column or post used to support overhead power lines and various other public utilities, such as cable, fibre optic cable, and related equipment such as transformers and street lights. It can be referred to as a **transmission pole**, **telephone pole**, telecommunication pole, **power pole**, **hydro pole**,^[1] **telegraph pole**, or **telegraph post**, depending on its application. A stobie pole is a multi-purpose pole made of two steel joists held apart by a slab of concrete in the middle, generally found in South Australia.

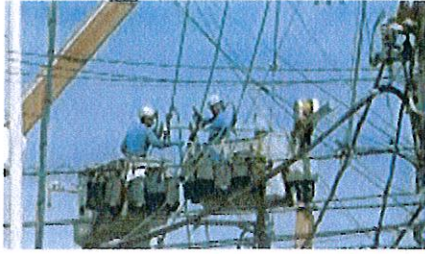
Electrical cable is routed overhead on utility poles as an inexpensive way to keep it insulated from the ground and out of the way of people and vehicles. Utility poles can be made of wood, metal, concrete, or composites like fiberglass. They are used for two different types of power lines; *subtransmission lines* which carry higher voltage power between substations, and *distribution lines* which distribute lower voltage power to customers.

Utility poles were first used in the mid-19th century with telegraph systems, starting with Samuel Morse who attempted to bury a line between Baltimore and Washington, D.C., but moved it aboveground when this system proved faulty.

RECEIVED

NOV 13 2014

ZONING OFFICE



[Play media](#)

(video) Three [aerial work platform](#) trucks work together on utility poles, in [Bunkyo, Japan](#).

Use[\[edit\]](#)

Utility poles are commonly used to carry two types of electric [power lines](#):^[2] [distribution lines](#) (or "feeders") and [subtransmission lines](#). Distribution lines carry power from local [substations](#) to customers. They generally carry voltages from 4.6 to 33 [kilovolts](#) (kV) for distances up to thirty miles, and include transformers to step the voltage down from the primary voltage of the lines to the lower secondary voltage used by the customer. A [service drop](#) carries this lower voltage to the customer's premises.

Subtransmission lines carry higher voltage power from regional substations to local substations. They usually carry 46 kV, 69 kV, or 115 kV for distances up to 60 miles. 230kV lines are often supported on H-shaped towers made with two or three poles. [Transmission lines](#) carrying voltages of above 230kV are usually not supported by poles, but by metal [pylons](#) (known as transmission towers in the United States).

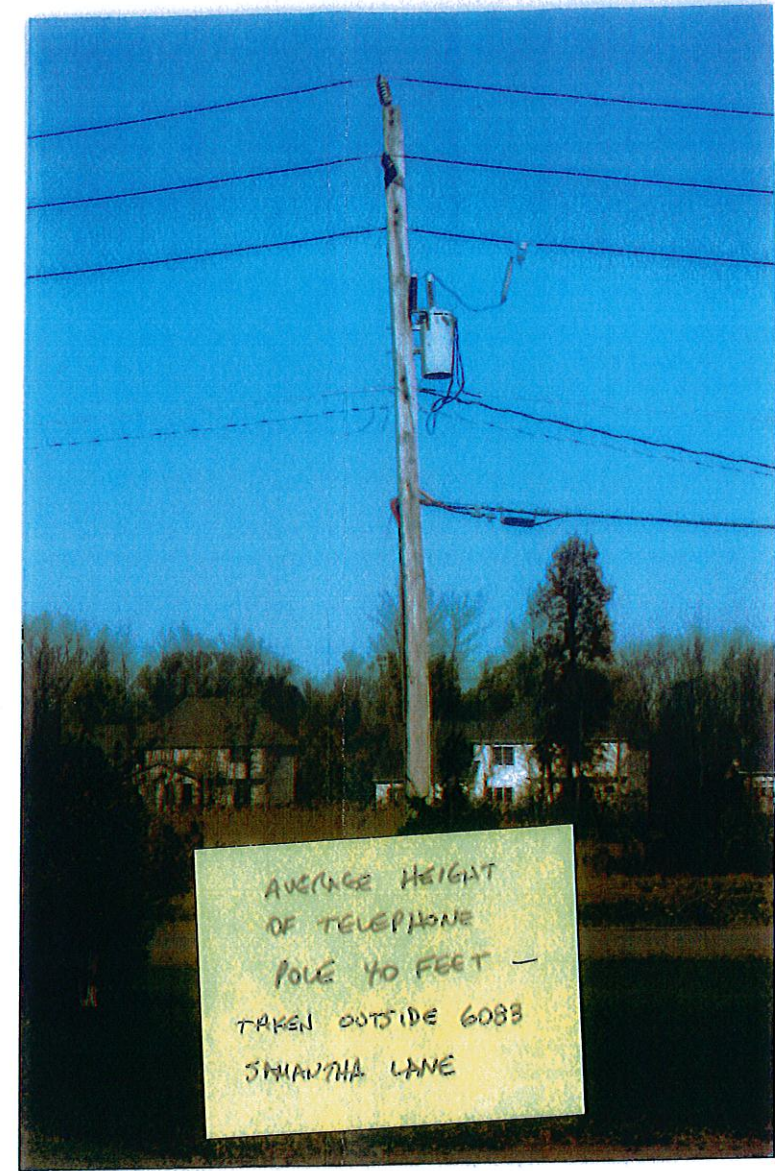
For economic or practical reasons, such as to save space in urban areas, a distribution line is often carried on the same poles as a subtransmission line but mounted under the higher voltage lines; a practice called "underbuild". Telecommunication cables are usually carried on the same poles that support power lines; poles shared in this fashion are known as joint-use poles. However, they may also have their own dedicated poles.

Description[\[edit\]](#)

- > The standard utility pole in the United States is about 40 ft (12 m) long and is buried about 6 ft (2 m) in the ground.^[2] However, poles can reach heights of 120 ft (37 m) or more to satisfy clearance requirements. They are typically spaced about 125 ft (38 m) apart in urban areas, or about 300 ft (91 m) in rural areas, but distances vary widely based on terrain. Joint-use poles are usually owned by one utility, which leases space on it for other cables. In the United States, the [National Electrical Safety Code](#), published by the [Institute of Electrical and Electronics Engineers](#) (IEEE) (not to be confused with the [National Electrical Code](#) published by the [National Fire Protection Agency](#) [NFPA]), sets the standards for construction and maintenance of utility poles and their equipment.



USING A 40 FOOT
TELEPHONE POLE -
THIS IS APPROXIMATELY
HOW HIGH THE WIND
TURBINE WOULD APPEAR -
TAKEN FROM OUTSIDE
6083 SAMANTHA

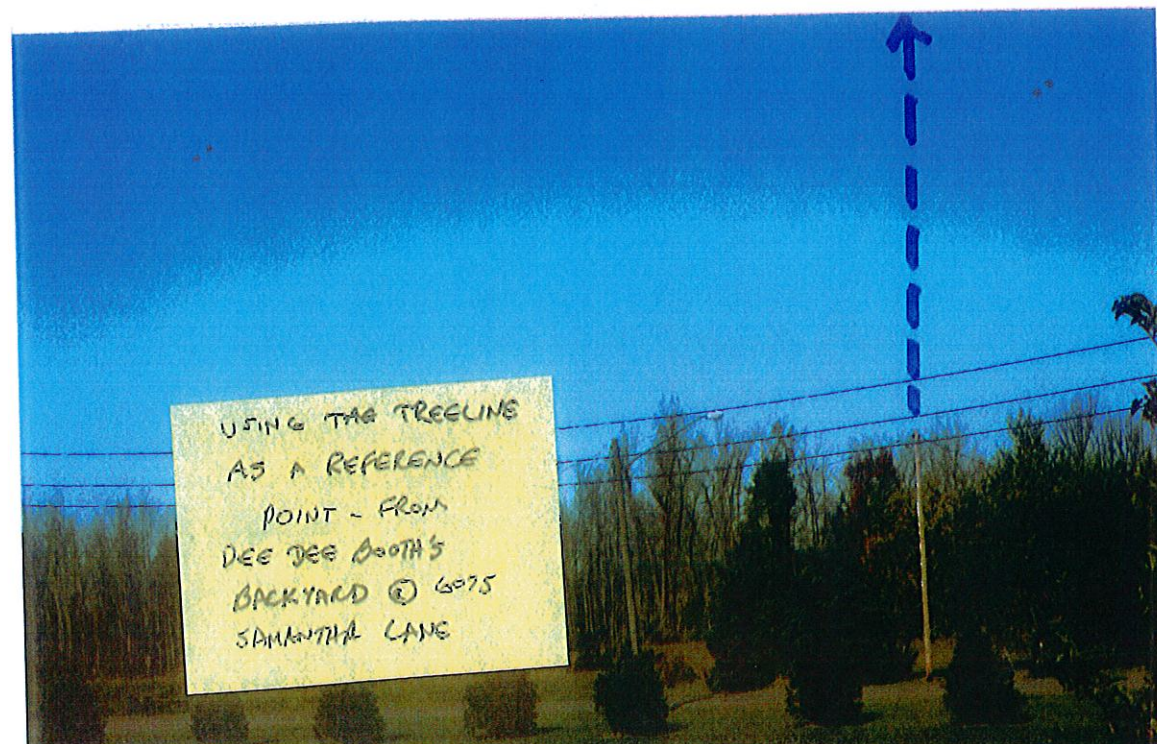


AVERAGE HEIGHT
OF TELEPHONE
POLE 40 FEET -
TAKEN OUTSIDE 6083
SAMANTHA LANE

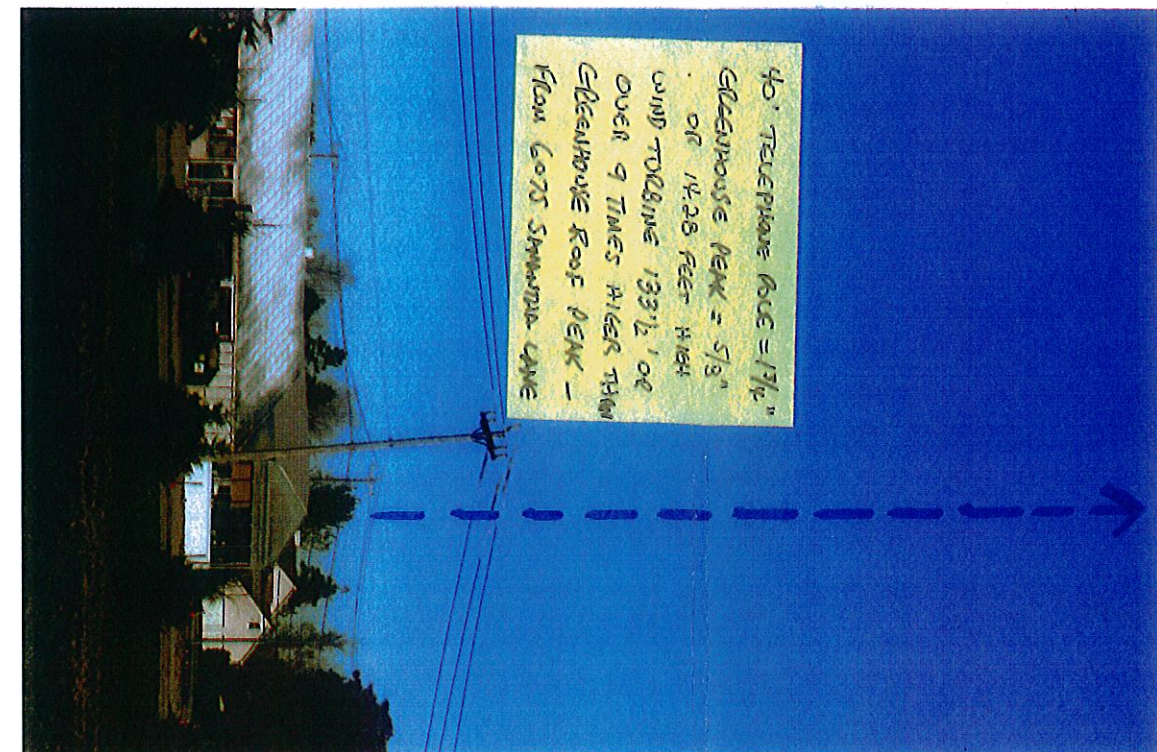
RECEIVED

NOV 13 2014

ZONING OFFICE



USING THE TREELINE
AS A REFERENCE
POINT - FROM
DEE DEE BOOTH'S
BACKYARD @ 6075
SAMANTHA LANE



40' TELEPHONE POLE = 17 1/4"
GREENHOUSE PEAK = 5' 8"
OR 14.26 FEET HIGH
WIND TOWER 133 1/2' OR
OVER 9 TIMES HIGHER THAN
GREENHOUSE ROOF PEAK -
FROM 6075 SAMANTHA LANE